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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,967	02/16/2001	Eugene Lapidous	5383.P001	1775

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EXAMINER

PATEL, ASHOKKUMAR B

ART UNIT	PAPER NUMBER
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2154

DATE MAILED: 08/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

09/785,967

Applicant(s)

LAPIDOUS, EUGENE

Examiner

Ashok B. Patel

Art Unit

2154

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 28 July 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1-3,6-16,24,25,28 and 31.  
Claim(s) withdrawn from consideration: 4,5,17-23,26,27,29 and 30.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: see continuation sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☐ Other: \_\_\_\_\_.

LARRY D. DONAGHUE  
PRIMARY EXAMINER

Continuation sheet:

Applicant's argument:

"Thus, Ferguson does not teach or suggest displaying a set of one or more selectable data exchange modes in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference, ms claimed in the present invention."

"Accordingly, Ferguson does not teach or suggest at least the features of the present invention that are included in the following language of claim 1:"

Examiner's response:

For claim 1, Ferguson teaches a method for retrieving documents in a computer network (Fig. 12), the method comprising:

displaying a set of one or more selectable data exchange modes (Fig. 12, age 14, para. [0166]), "...a current Web page is being displayed on the browser 62 and the Invention Interface 404 "floats" above the window of the browser 62 (see FIG. 12)..... "Web page has embedded therein one or more links") in the vicinity of a cursor upon detecting that a user has pressed a button of a cursor control device while the cursor is inside a selectable area associated with a file reference (page 14, para. [0166], "In step 80, the user clicks...");

detecting that the user has moved the cursor over a data exchange mode selected by the user from the set without releasing the button of the cursor control device (page 14, para. [0166], "... and holds the left mouse button 75 (or equivalent single click and hold left mouse function process on their pointing device) on the link he/she wishes to view in the future.");

canceling the display of the set upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode (page 14, para. [0166], "The user drags the link on to the Invention Interface 404 and then releases the left mouse button (or the equivalent)"); and  
issuing a request to retrieve data associated with the file reference in accordance with the selected data exchange mode. (Fig. 11, element 608, page 15, para.[0168])

Applicant's argument :

"Contrary to the presently claimed invention, Tso does not teach or suggest displaying a set of one or more selectable data exchange modes in the vicinity of the cursor upon detecting that a user has pressed a button of the cursor control device, detecting that the user has moved the cursor over a selected data exchange mode without releasing the button of the cursor control device, and canceling the display of the data exchange modes upon detecting that the user has released the button of the cursor control device while keeping the cursor over the selected data exchange mode. Thus, Tso does not teach or suggest the features of the presently claimed invention that are missing from Ferguson. Accordingly, the present invention as claimed in claims 1, 24 and 28, and their corresponding claims, is patentable over the above references."

Examiner's response:

Tso teaches "Transcoder 20 may be implemented, for example, as a software module installed in a network proxy, in a client device, in a network server device, or in a content server device.", col. 3, lines 18-21. Tso also teaches the abilities of the transcoder including user preferences and content characteristics, col. 7, lines 15 through col. 8, line 9.

Therefore, it would have been obvious to one having ordinary skill in the art at the time of invention was made to combine Ferguson's teachings and Tso's proxy such that the data modifications as required can be performed at the proxy.

This would have been obvious because existing proxy servers do not manipulate the data passing through them. In essence, proxy servers are merely blind conduits for requests and responses. This limitation of existing proxy servers restricts these devices from being used to full advantage when facilitating communications between local devices and network devices. There is therefore a need for a so-called "smart" proxy capable of examining the data passing through it, whether it be a request intended for an external network device or network content being returned to a local device, and dynamically acting upon that data. Such a device can be used to transparently provide a wide range of services that were heretofore impossible without modifying existing Internet infrastructure as taught by Tso.